



Order 2004-8-15

**UNITED STATES OF AMERICA
DEPARTMENT OF TRANSPORTATION
OFFICE OF THE SECRETARY
WASHINGTON, D.C.**

Issued by the Department of Transportation
on the 13th day of August, 2004

Essential air service at

**EL DORADO/CAMDEN, ARKANSAS
JONESBORO, ARKANSAS
HARRISON, ARKANSAS
HOT SPRINGS, ARKANSAS
ENID, OKLAHOMA
PONCA CITY, OKLAHOMA
BROWNWOOD, TEXAS**

under 49 U.S.C. 41731 *et seq.*

Served: August 18, 2004

Docket OST-1997-2935

Docket OST-1997-2401

Docket OST-1997-2402

ORDER EXTENDING TIME FOR FILING OBJECTIONS

Background

By Order 2004-6-12, June 14, 2004, the Department requested interested persons to show cause why it should not terminate the essential air service subsidy eligibility of Enid and Ponca City, Oklahoma, and Brownwood, Texas, as of October 1, 2004, and allow Air Midwest, Inc., to suspend its subsidized services at those communities as of the same date.¹ The Department's tentative decision was based on a review indicating that subsidy at the three communities exceeds the statutory ceiling of \$200 per passenger; that those three communities are located within 210 miles of the nearest large or medium hub; and that, consequently, they are no longer eligible for subsidy to support their scheduled service. The order encouraged communities to work with Air Midwest and other operating carriers to develop credible service proposals with subsidy requirements of less than \$200 per passenger, and to include them as part of their objections. Under Order 2004-6-12, objections to the Department's tentative decision were due no later than 30 days after the order's service date, by July 19.

Since then, however, the Department has twice granted extensions of time for the filing of objections requested by the Brownwood community: by Order 2004-7-6, July 9, 2004, through August 2, and by Order 2004-7-30, July 30, 2004, through August 13.

¹ The Department also tentatively decided to terminate the subsidy eligibility of Jonesboro, Arkansas, in Order 2004-6-12, but later withdraw its tentative decision insofar as Jonesboro was concerned by Order 2004-7-2, July 1, 2004.

Request for Extension

In a letter dated August 12, Brownwood now requests a third extension of time for the filing of objections, through August 23. In its request, the community states that it is near an agreement with Air Midwest's parent company, Mesa Air Group, Inc., on a proposal under which the carrier would be prepared to continue service at Brownwood, Enid and Ponca City at less than the statutory limit of \$200 subsidy per passenger, but that some additional time is necessary in order to finalize the details of that proposal. Brownwood therefore asks for a 10-day extension of the time for filing objections, through August 23.

Decision

We will extend the time for the filing of objections until August 23, as Brownwood requests. However, we note that this is the third extension we have granted, and that the time afforded for the filing of objections has now stretched from 30 days, which we considered ample at the time, to more than two months. Accordingly, we would expect a prompt resolution of this matter after August 23.

This order is issued under authority delegated in 49 CFR 1.56a(f).

ACCORDINGLY,

1. We extend the due date for the filing of objections to Order 2004-6-12 until August 23, 2004;
2. These dockets will remain open until further order of the Department; and
3. We will serve copies of this order on the mayors and airport managers of El Dorado/Camden, Jonesboro, Harrison and Hot Springs, Arkansas, Enid and Ponca City, Oklahoma, and Brownwood, Texas, and on Air Midwest, Inc.

By:

KARAN K. BHATIA
Assistant Secretary for Aviation
and International Affairs

(SEAL)

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on the World Wide Web at <http://dms.dot.gov>*